

Conference Engrossed

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 303

# HOUSE BILL 2044

AN ACT

AMENDING SECTIONS 36-136 AND 36-624, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 9; RELATING TO BIOTERRORISM.

(TEXT OF BILL BEGINS ON NEXT PAGE)



Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 36-136, Arizona Revised Statutes, is amended to read:

36-136. Powers and duties of director; compensation of personnel

A. The director shall:

1. Be the executive officer of the department of health services and the state registrar of vital statistics but shall not receive compensation for services as registrar.

2. Perform all duties necessary to carry out the functions and responsibilities of the department.

3. Prescribe the organization of the department. The director shall appoint or remove such personnel considered necessary for the efficient work of the department and shall prescribe the duties of all personnel. The director may abolish any office or position in the department that the director believes is unnecessary.

4. Administer and enforce the laws relating to health and sanitation and the rules of the department.

5. Provide for the examination of any premises if the director has reasonable cause to believe that on the premises there exists a violation of any health law or rule of the state.

6. Exercise general supervision over all matters relating to sanitation and health throughout the state. When in the opinion of the director it is necessary or advisable, a sanitary survey of the whole or of any part of the state shall be made. The director may enter, examine and survey any source and means of water supply, sewage disposal plant, sewerage system, prison, public or private place of detention, asylum, hospital, school, public building, private institution, factory, workshop, tenement, public washroom, public rest room, public toilet and toilet facility, public eating room and restaurant, dairy, milk plant or food manufacturing or processing plant, and any premises in which the director has reason to believe there exists a violation of any health law or rule of the state that the director has the duty to administer.

7. Prepare sanitary and public health rules.

8. Perform other duties prescribed by law.

B. If the director has reasonable cause to believe that there exists a violation of any health law or rule of the state, the director may inspect any person or property in transportation through the state, and of any car, boat, train, trailer, airplane or other vehicle in which such person or property is transported, and may enforce detention or disinfection as reasonably necessary for the public health if there exists a violation of any health law or rule.

C. The director may deputize, in writing, any qualified officer or employee in the department to do or perform on the director's behalf any act



1 the director is by law empowered to do or charged with the responsibility of  
2 doing.

3 D. The director may delegate to a local health department or public  
4 health services district any functions, powers or duties that the director  
5 believes can be competently, efficiently and properly performed by the health  
6 department or public health services district if:

7 1. The director or superintendent of the local health agency or public  
8 health services district is willing to accept the delegation and agrees to  
9 perform or exercise the functions, powers and duties conferred in accordance  
10 with the standards of performance established by the director.

11 2. Monies appropriated or otherwise made available to the department  
12 for distribution to or division among counties or public health services  
13 districts for local health work may be allocated or reallocated in a manner  
14 designed to assure the accomplishment of recognized local public health  
15 activities and delegated functions, powers and duties in accordance with  
16 applicable standards of performance. Whenever in the director's opinion  
17 there is cause, the director may terminate all or a part of any such  
18 delegation and may reallocate all or a part of any funds that may have been  
19 conditioned on the further performance of the functions, powers or duties  
20 conferred.

21 E. The compensation of all personnel shall be as determined pursuant  
22 to section 38-611.

23 F. The director may make and amend rules necessary for the proper  
24 administration and enforcement of the laws relating to the public health.

25 G. Notwithstanding subsection H, paragraph 1 of this section, the  
26 director may define and prescribe emergency measures for detecting,  
27 reporting, preventing and controlling communicable or infectious diseases or  
28 conditions if the director has reasonable cause to believe that a serious  
29 threat to public health and welfare exists. Emergency measures are effective  
30 for no longer than eighteen months.

31 H. The director shall, by rule:

32 1. Define and prescribe reasonably necessary measures for detecting,  
33 reporting, preventing and controlling communicable and preventable diseases.  
34 The rules shall declare certain diseases reportable, and ~~shall further~~  
35 ~~establish minimum periods of isolation or quarantine and procedures and~~  
36 ~~measures to institute isolation or quarantine, including the right to a~~  
37 ~~hearing. The rules shall allow the director to institute isolation or~~  
38 ~~quarantine before the completion of a hearing if the director determines that~~  
39 ~~clear and convincing evidence exists that a person poses a substantial danger~~  
40 ~~to another person or the community. The rules shall prescribe measures,~~  
41 INCLUDING ISOLATION OR QUARANTINE, reasonably required to prevent the  
42 occurrence of, or to seek early detection and alleviation of, disability,  
43 insofar as possible, from communicable or preventable diseases. The rules

1 shall include reasonably necessary measures to control animal diseases  
2 transmittable to humans.

3 2. Define and prescribe reasonably necessary measures, in addition to  
4 those prescribed by law, regarding the preparation, embalming, cremation,  
5 interment, disinterment and transportation of dead human bodies and the  
6 conduct of funerals, relating to and restricted to communicable diseases and  
7 regarding the removal, transportation, cremation, interment or disinterment  
8 of any dead human body.

9 3. Define and prescribe reasonably necessary procedures not  
10 inconsistent with law in regard to the use and accessibility of vital  
11 records, delayed birth registration and the completion, change and amendment  
12 of vital records.

13 4. Except as relating to the beneficial use of wildlife meat by public  
14 institutions and charitable organizations pursuant to title 17, prescribe  
15 reasonably necessary measures to assure that all food, including meat and  
16 meat products sold at the retail level, or drink, other than milk and milk  
17 products, sold or distributed for human consumption is free from unwholesome,  
18 poisonous or other foreign substances and filth, insects or disease-causing  
19 organisms. The rules shall prescribe reasonably necessary measures governing  
20 the production, processing, labeling, storing, handling, serving and  
21 transportation of such food and drink. The rules shall prescribe minimum  
22 standards for the sanitary facilities and conditions that shall be maintained  
23 in any plant, other than a meat packing plant, slaughterhouse or wholesale  
24 meat processing plant, and in any warehouse, restaurant or other premises and  
25 in any truck or other vehicle in which food or drink is produced, processed,  
26 stored, handled, served or transported. The rules shall provide for the  
27 inspection and licensing of premises and vehicles so used, and for abatement  
28 as public nuisances of any premises or vehicles that do not comply with the  
29 rules and minimum standards.

30 5. Prescribe reasonably necessary measures to assure that all meat and  
31 meat products for human consumption handled at the retail level are delivered  
32 in a manner and from sources approved by the Arizona department of  
33 agriculture and are free from unwholesome, poisonous or other foreign  
34 substances and filth, insects or disease-causing organisms. The rules shall  
35 prescribe standards for sanitary facilities to be used in identity, storage,  
36 handling and sale of all meat and meat products sold at the retail level.

37 6. Prescribe reasonably necessary measures regarding production,  
38 processing, labeling, handling, serving and transportation of bottled water  
39 to assure that all bottled drinking water distributed for human consumption  
40 is free from unwholesome, poisonous, deleterious or other foreign substances  
41 and filth or disease-causing organisms. The rules shall prescribe minimum  
42 standards for the sanitary facilities and conditions that shall be maintained  
43 at any source of water, bottling plant and truck or vehicle in which bottled  
44 water is produced, processed, stored or transported and shall provide for

1 inspection and certification of bottled drinking water sources, plants,  
2 processes and transportation and for abatement as a public nuisance of any  
3 water supply, label, premises, equipment, process or vehicle that does not  
4 comply with the minimum standards. The rules shall prescribe minimum  
5 standards for bacteriological, physical and chemical quality for bottled  
6 water and for the submission of samples at intervals prescribed in the  
7 standards.

8 7. Define and prescribe reasonably necessary measures governing ice  
9 production, handling, storing and distribution to assure that all ice sold  
10 or distributed for human consumption or for the preservation or storage of  
11 food for human consumption is free from unwholesome, poisonous, deleterious  
12 or other foreign substances and filth or disease-causing organisms. The  
13 rules shall prescribe minimum standards for the sanitary facilities and  
14 conditions and the quality of ice that shall be maintained at any ice plant,  
15 storage and truck or vehicle in which ice is produced, stored, handled or  
16 transported, and shall provide for inspection and licensing of the premises  
17 and vehicles, and for abatement as public nuisances of ice, premises,  
18 equipment, processes or vehicles that do not comply with the minimum  
19 standards.

20 8. Define and prescribe reasonably necessary measures concerning  
21 sewage and excreta disposal, garbage and trash collection, storage and  
22 disposal, and water supply for recreational and summer camps, campgrounds,  
23 motels, tourist courts, trailer coach parks and hotels. The rules shall  
24 prescribe minimum standards for preparation of food in community kitchens,  
25 adequacy of excreta disposal, garbage and trash collection, storage and  
26 disposal and water supply for recreational and summer camps, campgrounds,  
27 motels, tourist courts, trailer coach parks and hotels and shall provide for  
28 inspection of such premises and for abatement as public nuisances of any  
29 premises or facilities that do not comply with the rules.

30 9. Define and prescribe reasonably necessary measures concerning the  
31 sewage and excreta disposal, garbage and trash collection, storage and  
32 disposal, water supply and food preparation of all public schools. The rules  
33 shall prescribe minimum standards for sanitary conditions that shall be  
34 maintained in any public school and shall provide for inspection of such  
35 premises and facilities and for abatement as public nuisances of any premises  
36 that do not comply with the minimum standards.

37 10. Prescribe reasonably necessary measures to prevent pollution of  
38 water used in public or semipublic swimming pools and bathing places and to  
39 prevent deleterious health conditions at such places. The rules shall  
40 prescribe minimum standards for sanitary conditions that shall be maintained  
41 at any public or semipublic swimming pool or bathing place and shall provide  
42 for inspection of such premises and for abatement as public nuisances of any  
43 premises and facilities that do not comply with the minimum standards. The  
44 rules shall be developed in cooperation with the director of the department

1 of environmental quality and shall be consistent with the rules adopted by  
2 the director of the department of environmental quality pursuant to section  
3 49-104, subsection B, paragraph 12.

4 11. Prescribe reasonably necessary measures to keep confidential  
5 information relating to diagnostic findings and treatment of patients, as  
6 well as information relating to contacts, suspects and associates of  
7 communicable disease patients. In no event shall such confidential  
8 information be made available for political or commercial purposes.

9 12. Prescribe reasonably necessary measures regarding human  
10 immunodeficiency virus testing as a means to control the transmission of that  
11 virus, including the designation of anonymous test sites as dictated by  
12 current epidemiologic and scientific evidence.

13 I. The rules adopted under the authority conferred by this section  
14 shall be observed throughout the state and shall be enforced by each local  
15 board of health or public health services district, but this section does not  
16 limit the right of any local board of health or county board of supervisors  
17 to adopt ordinances and rules as authorized by law within its jurisdiction,  
18 provided that the ordinances and rules do not conflict with state law and are  
19 equal to or more restrictive than the rules of the director.

20 J. The powers and duties prescribed by this section do not apply in  
21 instances in which regulatory powers and duties relating to public health are  
22 vested by the legislature in any other state board, commission, agency or  
23 instrumentality, except that with regard to the regulation of meat and meat  
24 products, the department of health services and the Arizona department of  
25 agriculture within the area delegated to each shall adopt rules that are not  
26 in conflict.

27 K. The director, in establishing fees authorized by this section,  
28 shall comply with title 41, chapter 6. The department shall not set a fee  
29 at more than the department's cost of providing the service for which the fee  
30 is charged. State agencies are exempt from all fees imposed pursuant to this  
31 section.

32 L. After consultation with the state superintendent of public  
33 instruction, the director shall prescribe the criteria the department shall  
34 use in deciding whether or not to notify a local school district that a pupil  
35 in the district has tested positive for the human immunodeficiency virus  
36 antibody. The director shall prescribe the procedure by which the department  
37 shall notify a school district if, pursuant to these criteria, the department  
38 determines that notification is warranted in a particular situation. This  
39 procedure shall include a requirement that before notification the department  
40 shall determine to its satisfaction that the district has an appropriate  
41 policy relating to nondiscrimination of the infected pupil and  
42 confidentiality of test results and that proper educational counseling has  
43 been or will be provided to staff and pupils.

1       Sec. 2. Section 36-624, Arizona Revised Statutes, is amended to read:

2       36-624. Quarantine and sanitary measures to prevent contagion

3       When a ~~total board of health or local~~ COUNTY health department OR  
4 PUBLIC HEALTH SERVICES DISTRICT is apprised that infectious or contagious  
5 disease exists within its jurisdiction, it shall immediately make an  
6 investigation. If the investigation discloses that the disease does exist,  
7 the ~~board or~~ COUNTY HEALTH department OR PUBLIC HEALTH SERVICES DISTRICT may  
8 adopt quarantine and sanitary measures consistent with department rules  
9 ~~adopted pursuant to section 36-136, subsection H, paragraph 1~~ AND SECTIONS  
10 36-788 AND 36-789 to prevent the spread of the disease. The ~~total board or~~  
11 COUNTY health department OR PUBLIC HEALTH SERVICES DISTRICT shall immediately  
12 notify the department of health services of the existence and nature of the  
13 disease, and measures taken concerning it.

14       Sec. 3. Title 36, chapter 6, Arizona Revised Statutes, is amended by  
15 adding article 9, to read:

16               ARTICLE 9. ENHANCED SURVEILLANCE ADVISORIES  
17               AND PUBLIC HEALTH EMERGENCIES

18       36-781. Definitions

19       IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

20       1. "BIOTERRORISM" MEANS THE INTENTIONAL USE OF ANY MICROORGANISM,  
21 VIRUS, INFECTIOUS SUBSTANCE OR BIOLOGICAL PRODUCT THAT MAY BE ENGINEERED AS  
22 A RESULT OF BIOTECHNOLOGY OR ANY NATURALLY OCCURRING OR BIOENGINEERED  
23 COMPONENT OF ANY MICROORGANISM, VIRUS, INFECTIOUS SUBSTANCE OR BIOLOGICAL  
24 PRODUCT, TO CAUSE OR ATTEMPT TO CAUSE DEATH, DISEASE OR OTHER BIOLOGICAL  
25 MALFUNCTION IN HUMANS.

26       2. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES.

27       3. "HEALTH CARE PROVIDER" HAS THE SAME MEANING PRESCRIBED IN SECTION  
28 12-2291.

29       4. "LOCAL HEALTH AUTHORITY" MEANS A COUNTY HEALTH DEPARTMENT OR PUBLIC  
30 HEALTH SERVICES DISTRICT OR ANY PERSON AUTHORIZED TO ACT ON BEHALF OF THE  
31 COUNTY HEALTH DEPARTMENT OR PUBLIC HEALTH SERVICES DISTRICT.

32       5. "PUBLIC SAFETY AUTHORITY" MEANS THE DEPARTMENT OF PUBLIC SAFETY,  
33 A LOCAL LAW ENFORCEMENT AGENCY OR A PERSON AUTHORIZED TO ACT ON BEHALF OF THE  
34 DEPARTMENT OF PUBLIC SAFETY OR LOCAL LAW ENFORCEMENT AGENCY.

35       36-782. Enhanced surveillance advisory

36       A. THE GOVERNOR, IN CONSULTATION WITH THE DIRECTOR, MAY ISSUE AN  
37 ENHANCED SURVEILLANCE ADVISORY IF THE GOVERNOR HAS REASONABLE CAUSE TO  
38 BELIEVE THAT AN ILLNESS, HEALTH CONDITION OR CLINICAL SYNDROME CAUSED BY  
39 BIOTERRORISM, EPIDEMIC OR PANDEMIC DISEASE OR A HIGHLY FATAL AND HIGHLY  
40 INFECTIOUS AGENT OR BIOLOGICAL TOXIN HAS OR MAY OCCUR OR THAT THERE IS A  
41 PUBLIC EVENT THAT COULD REASONABLY BE THE OBJECT OF A BIOTERRORISM  
42 EVENT. THE ILLNESS OR HEALTH CONDITION MAY NOT INCLUDE ACQUIRED IMMUNE  
43 DEFICIENCY SYNDROME OR ANY OTHER INFECTION CAUSED BY THE HUMAN  
44 IMMUNODEFICIENCY VIRUS.

1 B. AS DETERMINED BY THE GOVERNOR AFTER CONSIDERING THE LEAST  
2 RESTRICTIVE MEASURES NECESSARY THAT ARE CONSISTENT WITH PUBLIC HEALTH AND  
3 SAFETY, THE ENHANCED SURVEILLANCE ADVISORY SHALL DIRECT THE FOLLOWING IN  
4 ACCORDANCE WITH THIS ARTICLE:

5 1. THOSE PERSONS AND ENTITIES REQUIRED TO REPORT.

6 2. THE CLINICAL SYNDROMES, ANY ILLNESS OR HEALTH CONDITION THAT MAY  
7 BE ASSOCIATED WITH BIOTERRORISM OR A SPECIFIC ILLNESS OR HEALTH CONDITION TO  
8 BE REPORTED.

9 3. PATIENT TRACKING.

10 4. INFORMATION SHARING.

11 5. SPECIMEN TESTING COORDINATION.

12 C. THE DIRECTOR SHALL NOTIFY LOCAL HEALTH AUTHORITIES BEFORE THE  
13 GOVERNOR ISSUES AN ENHANCED SURVEILLANCE ADVISORY. THE DEPARTMENT AND LOCAL  
14 HEALTH AUTHORITIES SHALL PROVIDE THE ENHANCED SURVEILLANCE ADVISORY TO THOSE  
15 PERSONS AND ENTITIES REQUIRED BY THE ADVISORY TO REPORT PURSUANT TO THIS  
16 ARTICLE BY USING ANY AVAILABLE MEANS OF COMMUNICATION. THIS ARTICLE DOES NOT  
17 ALTER THE DEPARTMENT'S OR A LOCAL HEALTH AUTHORITY'S ABILITY TO MONITOR  
18 COMMUNITY HEALTH STATUS OR IMPLEMENT CONTROL MEASURES FOR THE EARLY DETECTION  
19 OF COMMUNICABLE AND PREVENTABLE DISEASES OTHERWISE ALLOWED BY LAW.

20 D. BEFORE THE GOVERNOR ISSUES AN ENHANCED SURVEILLANCE ADVISORY, THE  
21 DEPARTMENT AND LOCAL HEALTH AUTHORITIES MUST MEET WITH REPRESENTATIVES OF  
22 PERSONS OR INSTITUTIONS WHO WILL BE AFFECTED BY THE ENHANCED SURVEILLANCE  
23 ADVISORY PURSUANT TO SECTION 36-783, SUBSECTIONS A, B AND C. IF, BECAUSE OF  
24 AN IMMEDIATE THREAT TO THE PUBLIC HEALTH, THE DEPARTMENT AND LOCAL HEALTH  
25 AUTHORITIES ARE NOT ABLE TO HOLD THIS MEETING BEFORE THE GOVERNOR ISSUES THE  
26 ADVISORY, THE MEETING MUST TAKE PLACE WITHIN SEVENTY-TWO HOURS AFTER THE  
27 GOVERNOR ISSUES THE ADVISORY.

28 E. TO THE EXTENT POSSIBLE, THE DEPARTMENT AND LOCAL HEALTH AUTHORITIES  
29 SHALL SHARE DEPARTMENT AND LOCAL HEALTH AUTHORITY PERSONNEL, EQUIPMENT,  
30 MATERIALS, SUPPLIES AND OTHER RESOURCES TO ASSIST PERSONS AND INSTITUTIONS  
31 AFFECTED TO IMPLEMENT THE TERMS OF THE ADVISORY.

32 F. AT THE GOVERNOR'S DIRECTION, THE DEPARTMENT MAY USE REASONABLE  
33 EFFORTS TO ASSIST THE PERSONS AND INSTITUTIONS TO RECEIVE REIMBURSEMENT OF  
34 COSTS INCURRED BECAUSE OF THE IMPLEMENTATION OF THE ADVISORY.

35 G. AN ENHANCED SURVEILLANCE ADVISORY MAY BE REVISED OR TERMINATED AT  
36 ANY TIME BY THE DIRECTOR AND AUTOMATICALLY TERMINATES AFTER SIXTY DAYS,  
37 UNLESS RENEWED BY THE GOVERNOR.

38 36-783. Increased reporting during enhanced surveillance  
39 advisory

40 A. A HEALTH CARE PROVIDER OR MEDICAL EXAMINER SHALL REPORT TO THE  
41 LOCAL HEALTH AUTHORITY ALL CASES OF ANY ILLNESS, HEALTH CONDITION OR CLINICAL  
42 SYNDROME SPECIFIED IN THE ENHANCED SURVEILLANCE ADVISORY. THE REPORT SHALL  
43 PROVIDE ADDITIONAL INFORMATION DESIGNATED IN THE ENHANCED SURVEILLANCE  
44 ADVISORY.



1 B. THE STATE VETERINARIAN, A VETERINARIAN, A VETERINARIAN LABORATORY  
2 PROFESSIONAL OR A WILDLIFE PROFESSIONAL SHALL REPORT ANY CASE OF ANIMAL  
3 ILLNESS OR DEATH DUE TO THE DISEASE OR OTHER HEALTH CONDITION DESIGNATED IN  
4 THE ENHANCED SURVEILLANCE ADVISORY TO THE DEPARTMENT OR LOCAL HEALTH  
5 AUTHORITY. THE REPORT SHALL INCLUDE THE SPECIES AND NUMBER OF AFFECTED  
6 ANIMALS AND THE NAME AND ADDRESS OF THE REPORTING VETERINARIAN, VETERINARIAN  
7 LABORATORY PROFESSIONAL OR WILDLIFE PROFESSIONAL.

8 C. A PHARMACIST WHO IDENTIFIES ANY UNUSUAL INCREASE IN PRESCRIPTIONS  
9 FOR ANTIBIOTICS OR ANY UNUSUAL INCREASE IN PRESCRIPTIONS OR SALES OF  
10 OVER-THE-COUNTER PHARMACEUTICALS TO TREAT THE ILLNESS, HEALTH CONDITION OR  
11 CLINICAL SYNDROME IDENTIFIED IN THE ENHANCED SURVEILLANCE ADVISORY SHALL  
12 REPORT THIS INFORMATION TO THE LOCAL HEALTH AUTHORITY. THE REPORT SHALL  
13 INCLUDE THE TYPE OF PHARMACEUTICAL AND THE NAME AND ADDRESS OF THE  
14 PHARMACEUTICAL PROVIDER.

15 D. THE REPORTS MUST BE IN WRITING OR BY ANY METHOD DIRECTED BY THE  
16 DEPARTMENT OR LOCAL PUBLIC HEALTH AUTHORITY AND MUST BE SUBMITTED WITHIN  
17 TWENTY-FOUR HOURS AFTER IDENTIFYING THE REPORTABLE CIRCUMSTANCE. ALL PERSONS  
18 REQUIRED TO REPORT UNDER THIS SECTION MUST COOPERATE WITH THE DEPARTMENT AND  
19 LOCAL HEALTH AUTHORITY IN EFFECTING THE ENHANCED SURVEILLANCE ADVISORY.  
20 FAILURE TO REPORT PURSUANT TO THIS SECTION IS AN ACT OF UNPROFESSIONAL  
21 CONDUCT.

22 E. THE DEPARTMENT AND LOCAL PUBLIC HEALTH AUTHORITY SHALL MAINTAIN AS  
23 CONFIDENTIAL:

24 1. ANY INFORMATION OR A PARTICULAR PART OF INFORMATION PROVIDED UNDER  
25 THIS SECTION THAT, IF MADE PUBLIC, WOULD DIVULGE THE TRADE SECRETS OF A  
26 PERSON OR BUSINESS.

27 2. OTHER INFORMATION LIKELY TO CAUSE SUBSTANTIAL HARM TO THE PERSON'S  
28 OR BUSINESS' COMPETITIVE POSITION.

29 F. THE LOCAL HEALTH AUTHORITY SHALL IMMEDIATELY NOTIFY THE DEPARTMENT  
30 OF ANY REPORTS RECEIVED DURING THE PERIOD OF AN ENHANCED SURVEILLANCE  
31 ADVISORY.

32 36-784. Patient tracking during enhanced surveillance advisory

33 A. DURING AN ENHANCED SURVEILLANCE ADVISORY, TO IDENTIFY, DIAGNOSE,  
34 TREAT AND TRACK PERSONS WHO MAY HAVE BEEN EXPOSED TO AN ILLNESS, HEALTH  
35 CONDITION OR CLINICAL SYNDROME IDENTIFIED IN AN ENHANCED SURVEILLANCE  
36 ADVISORY, THE DEPARTMENT AND LOCAL HEALTH AUTHORITY MAY ACCESS CONFIDENTIAL  
37 PATIENT INFORMATION, INCLUDING MEDICAL RECORDS, WHEREVER AND BY WHOMEVER HELD  
38 AND WHETHER OR NOT PATIENT IDENTITY IS KNOWN.

39 B. THE DEPARTMENT OR LOCAL HEALTH AUTHORITY SHALL COUNSEL AND  
40 INTERVIEW ANY PERSON AS NECESSARY TO ASSIST IT IN THE POSITIVE IDENTIFICATION  
41 OF EXPOSED PERSONS AND TO DEVELOP INFORMATION RELATING TO THE SOURCE AND  
42 SPREAD OF THE ILLNESS OR HEALTH CONDITION. THIS INFORMATION MUST INCLUDE THE  
43 NAMES AND ADDRESSES OF ANY PERSONS FROM WHOM THE ILLNESS OR HEALTH CONDITION

1 MAY HAVE BEEN CONTRACTED AND TO WHOM THE ILLNESS OR HEALTH CONDITION MAY HAVE  
2 SPREAD.

3 C. ANY MEDICAL INFORMATION OR OTHER INFORMATION FROM WHICH A PERSON  
4 MIGHT BE IDENTIFIED THAT IS RECEIVED BY THE DEPARTMENT OR LOCAL HEALTH  
5 AUTHORITY IN THE COURSE OF AN ENHANCED SURVEILLANCE ADVISORY IS CONFIDENTIAL  
6 AND IS NOT AVAILABLE TO THE PUBLIC.

7 36-785. Information sharing during an enhanced surveillance  
8 advisory

9 A. DURING AN ENHANCED SURVEILLANCE ADVISORY, WHEN A PUBLIC SAFETY  
10 AUTHORITY LEARNS OF A SUSPICIOUS DISEASE EVENT, OR IT LEARNS OF A THREATENED  
11 BIOTERRORISM ACT AT ANY TIME, IT SHALL IMMEDIATELY NOTIFY THE DEPARTMENT OR  
12 THE LOCAL HEALTH AUTHORITY, AND THE AGENCY THAT RECEIVES THIS INFORMATION  
13 MUST IMMEDIATELY NOTIFY THE OTHER AGENCY.

14 B. WHEN THE DEPARTMENT OR THE LOCAL HEALTH AUTHORITY IDENTIFIES A  
15 REPORTABLE ILLNESS OR HEALTH CONDITION, UNUSUAL DISEASE CLUSTER OR SUSPICIOUS  
16 DISEASE EVENT THAT IT REASONABLY BELIEVES MAY BE CAUSED BY BIOTERRORISM, THE  
17 DEPARTMENT OR LOCAL HEALTH AUTHORITY MUST IMMEDIATELY NOTIFY AT ANY TIME THE  
18 APPROPRIATE PUBLIC SAFETY AUTHORITY AND, IF APPROPRIATE, TRIBAL HEALTH  
19 AUTHORITIES.

20 C. SHARING OF INFORMATION ON REPORTABLE ILLNESSES, HEALTH CONDITIONS,  
21 UNUSUAL DISEASE CLUSTERS OR SUSPICIOUS DISEASE EVENTS BETWEEN PUBLIC SAFETY  
22 AND LOCAL HEALTH AUTHORITIES IS LIMITED TO THE INFORMATION NECESSARY TO  
23 EFFECT THE ENHANCED SURVEILLANCE ADVISORY AND DOES NOT INCLUDE THE RELEASE  
24 OF MEDICAL RECORDS TO PUBLIC SAFETY AUTHORITIES. INFORMATION FROM WHICH A  
25 PERSON MIGHT BE IDENTIFIED THAT IS RECEIVED BY THE DEPARTMENT, LOCAL HEALTH  
26 AUTHORITY OR PUBLIC SAFETY AUTHORITY IN THE COURSE OF AN ENHANCED  
27 SURVEILLANCE ADVISORY IS CONFIDENTIAL AND NOT AVAILABLE TO THE PUBLIC.

28 36-786. Laboratory testing during an enhanced surveillance  
29 advisory

30 A. THE STATE LABORATORY SHALL COORDINATE SPECIMEN TESTING RELATING TO  
31 ENHANCED SURVEILLANCE ADVISORY. IF NECESSARY AND AT STATE EXPENSE, THE  
32 DEPARTMENT MAY DESIGNATE OTHER LABORATORIES TO ASSIST IT IN TESTING  
33 SPECIMENS.

34 B. THE DEPARTMENT SHALL DETERMINE THE CRITERIA NECESSARY FOR PRIVATE  
35 OR PUBLIC LABORATORIES TO CONDUCT CLINICAL OR ENVIRONMENTAL TESTING  
36 ASSOCIATED WITH BIOTERRORISM OR ANY ILLNESS OR HEALTH CONDITION SUBJECT TO  
37 THE ENHANCED SURVEILLANCE ADVISORY.

38 C. DURING AN ENHANCED SURVEILLANCE ADVISORY, A PUBLIC SAFETY  
39 AUTHORITY, IF REQUESTED BY THE DEPARTMENT OR LOCAL HEALTH AUTHORITY, SHALL  
40 COORDINATE AND PROVIDE TRANSPORTATION OF CLINICAL OR ENVIRONMENTAL SAMPLES  
41 TO THE STATE LABORATORY OR OTHER TESTING LABORATORY DESIGNATED BY THE  
42 DEPARTMENT.

1        36-787. Public health authority during state of emergency or  
2                    state of war emergency

3        A. DURING A STATE OF EMERGENCY OR STATE OF WAR EMERGENCY DECLARED BY  
4 THE GOVERNOR IN WHICH THERE IS AN OCCURRENCE OR IMMINENT THREAT OF AN ILLNESS  
5 OR HEALTH CONDITION CAUSED BY BIOTERRORISM, AN EPIDEMIC OR PANDEMIC DISEASE  
6 OR A HIGHLY FATAL INFECTIOUS AGENT OR BIOLOGICAL TOXIN AND THAT POSES A  
7 SUBSTANTIAL RISK OF A SIGNIFICANT NUMBER OF HUMAN FATALITIES OR INCIDENTS OF  
8 PERMANENT OR LONG-TERM DISABILITY, THE DEPARTMENT SHALL COORDINATE ALL  
9 MATTERS PERTAINING TO THE PUBLIC HEALTH EMERGENCY RESPONSE OF THE STATE. THE  
10 DEPARTMENT HAS PRIMARY JURISDICTION, RESPONSIBILITY AND AUTHORITY FOR:

11            1. PLANNING AND EXECUTING PUBLIC HEALTH EMERGENCY ASSESSMENT,  
12 MITIGATION, PREPAREDNESS RESPONSE AND RECOVERY FOR THIS STATE.

13            2. COORDINATING PUBLIC HEALTH EMERGENCY RESPONSE AMONG STATE, LOCAL  
14 AND TRIBAL AUTHORITIES.

15            3. COLLABORATING WITH RELEVANT FEDERAL GOVERNMENT AUTHORITIES, ELECTED  
16 OFFICIALS OF OTHER STATES, PRIVATE ORGANIZATIONS AND PRIVATE SECTOR  
17 COMPANIES.

18            4. COORDINATING RECOVERY OPERATIONS AND MITIGATION INITIATIVES  
19 SUBSEQUENT TO PUBLIC HEALTH EMERGENCIES.

20            5. ORGANIZING PUBLIC INFORMATION ACTIVITIES REGARDING STATE PUBLIC  
21 HEALTH EMERGENCY RESPONSE OPERATIONS.

22            6. ESTABLISHING, IN CONJUNCTION WITH APPLICABLE PROFESSIONAL LICENSING  
23 BOARDS, A PROCESS FOR TEMPORARY WAIVER OF THE PROFESSIONAL LICENSURE  
24 REQUIREMENTS NECESSARY FOR THE IMPLEMENTATION OF ANY MEASURES REQUIRED TO  
25 ADEQUATELY ADDRESS THE STATE OF EMERGENCY OR STATE OF WAR EMERGENCY.

26            7. GRANTING TEMPORARY WAIVERS OF HEALTH CARE INSTITUTION LICENSURE  
27 REQUIREMENTS NECESSARY FOR IMPLEMENTATION OF ANY MEASURES REQUIRED TO  
28 ADEQUATELY ADDRESS THE STATE OF EMERGENCY OR STATE OF WAR EMERGENCY.

29        B. IN ADDITION TO THE AUTHORITY PROVIDED IN SUBSECTION A OF THIS  
30 SECTION, DURING A STATE OF EMERGENCY OR STATE OF WAR EMERGENCY, THE GOVERNOR,  
31 IN CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES, MAY  
32 ISSUE ORDERS THAT:

33            1. MANDATE MEDICAL EXAMINATIONS FOR EXPOSED PERSONS.

34            2. RATION MEDICINE AND VACCINES.

35            3. PROVIDE FOR TRANSPORTATION OF MEDICAL SUPPORT PERSONNEL AND ILL AND  
36 EXPOSED PERSONS.

37            4. PROVIDE FOR PROCUREMENT OF MEDICINES AND VACCINES.

38        C. IN ADDITION TO THE AUTHORITY PROVIDED IN SUBSECTIONS A AND B,  
39 DURING A STATE OF EMERGENCY OR STATE OF WAR EMERGENCY IN WHICH THERE IS AN  
40 OCCURRENCE OR THE IMMINENT THREAT OF SMALLPOX, PLAGUE, VIRAL HEMORRHAGIC  
41 FEVERS OR A HIGHLY CONTAGIOUS AND HIGHLY FATAL DISEASE WITH TRANSMISSION  
42 CHARACTERISTICS SIMILAR TO SMALLPOX, THE GOVERNOR, IN CONSULTATION WITH THE  
43 DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES, MAY ISSUE ORDERS THAT:

1 1. MANDATE TREATMENT OR VACCINATION OF PERSONS WHO ARE DIAGNOSED WITH  
2 ILLNESS RESULTING FROM EXPOSURE OR WHO ARE REASONABLY BELIEVED TO HAVE BEEN  
3 EXPOSED OR WHO MAY REASONABLY BE EXPECTED TO BE EXPOSED.

4 2. ISOLATE AND QUARANTINE PERSONS.

5 D. LAW ENFORCEMENT OFFICIALS OF THIS STATE AND THE NATIONAL GUARD  
6 SHALL ENFORCE ORDERS ISSUED BY THE GOVERNOR UNDER THIS SECTION.

7 E. DISEASES SUBJECT TO THIS SECTION DO NOT INCLUDE ACQUIRED IMMUNE  
8 DEFICIENCY SYNDROME OR OTHER INFECTION CAUSED BY THE HUMAN IMMUNODEFICIENCY  
9 VIRUS.

10 F. IF DURING A STATE OF EMERGENCY OR STATE OF WAR EMERGENCY THE PUBLIC  
11 HEALTH IS NOT ENDANGERED NOTHING IN THIS TITLE SHALL AUTHORIZE THE DEPARTMENT  
12 OR ANY OF ITS OFFICERS OR REPRESENTATIVES TO IMPOSE ON ANY PERSON AGAINST THE  
13 PERSON'S WILL ANY MODE OF TREATMENT, PROVIDED THAT SANITARY OR PREVENTIVE  
14 MEASURES AND QUARANTINE LAWS ARE COMPLIED WITH BY THE PERSON. NOTHING IN  
15 THIS TITLE SHALL AUTHORIZE THE DEPARTMENT OR ANY OF ITS OFFICERS OR  
16 REPRESENTATIVES TO IMPOSE ON ANY PERSON CONTRARY TO HIS RELIGIOUS CONCEPTS  
17 ANY MODE OF TREATMENT, PROVIDED THAT SANITARY OR PREVENTIVE MEASURES AND  
18 QUARANTINE LAWS ARE COMPLIED WITH BY THE PERSON.

19 G. AT THE GOVERNOR'S DIRECTION, THE DEPARTMENT MAY USE REASONABLE  
20 EFFORTS TO ASSIST THE PERSONS AND INSTITUTIONS AFFECTED BY THE STATE OF  
21 EMERGENCY OR STATE OF WAR EMERGENCY DECLARED PURSUANT TO THIS SECTION IN  
22 SEEKING REIMBURSEMENT OF COSTS INCURRED AS A RESULT OF PROVIDING SERVICES  
23 RELATED TO THE IMPLEMENTATION OF ISOLATION AND QUARANTINE UNDER THIS ARTICLE  
24 TO THE EXTENT THESE SERVICES ARE NOT OTHERWISE SUBJECT TO REIMBURSEMENT.

25 36-788. Isolation and quarantine during a state of emergency or  
26 state of war emergency

27 A. DURING A STATE OF EMERGENCY OR STATE OF WAR EMERGENCY AS DECLARED  
28 PURSUANT TO SECTION 36-787, THE DEPARTMENT OR LOCAL HEALTH AUTHORITY MUST  
29 INITIATE AN INVESTIGATION IF THAT AGENCY HAS REASONABLE CAUSE TO BELIEVE THAT  
30 A HIGHLY CONTAGIOUS AND FATAL DISEASE EXISTS WITHIN ITS  
31 JURISDICTION. SUBJECT TO THE PROVISIONS OF THIS ARTICLE, PERSONS WHO HAVE  
32 CONTRACTED THE DISEASE OR WHO HAVE BEEN EXPOSED TO THE DISEASE MAY BE SUBJECT  
33 TO ISOLATION AND QUARANTINE IF THE DIRECTOR DETERMINES THAT QUARANTINE IS THE  
34 LEAST RESTRICTIVE MEANS BY WHICH THE PUBLIC CAN BE PROTECTED FROM  
35 TRANSMISSION OF THE DISEASE, DUE TO THE NATURE OF THE DISEASE AND AVAILABLE  
36 PREVENTIVE MEASURES, OR REFUSAL BY AN INDIVIDUAL TO ACCEPT LESS RESTRICTIVE  
37 MEASURES TO PREVENT DISEASE TRANSMISSION. DISEASES FOR WHICH ISOLATION AND  
38 QUARANTINE MAY BE ORDERED DO NOT INCLUDE ACQUIRED IMMUNE DEFICIENCY SYNDROME  
39 OR OTHER INFECTION CAUSED BY THE HUMAN IMMUNODEFICIENCY VIRUS.

40 B. THE DEPARTMENT OR LOCAL HEALTH AUTHORITY MAY, DURING THE STATE OF  
41 EMERGENCY OR STATE OF WAR EMERGENCY DECLARED BY THE GOVERNOR, DO THE  
42 FOLLOWING:

43 1. ESTABLISH AND MAINTAIN PLACES OF ISOLATION AND QUARANTINE, WHICH  
44 MAY INCLUDE THE RESIDENCE OF THE PERSON QUARANTINED.

1           2. REQUIRE ISOLATION OR QUARANTINE OF ANY PERSON BY THE LEAST  
2 RESTRICTIVE MEANS NECESSARY TO PROTECT THE PUBLIC HEALTH. THE DEPARTMENT OR  
3 LOCAL HEALTH AUTHORITY SHALL USE ALL REASONABLE MEANS TO PREVENT THE  
4 TRANSMISSION OF DISEASE AMONG THE ISOLATED OR QUARANTINED PERSONS.

5           C. THE DEPARTMENT, A COUNTY HEALTH DEPARTMENT OR A PUBLIC HEALTH  
6 SERVICES DISTRICT SHALL ENSURE, TO THE EXTENT POSSIBLE, THAT THE PREMISES IN  
7 WHICH A PERSON IS ISOLATED OR QUARANTINED IS MAINTAINED IN A SAFE AND  
8 HYGIENIC MANNER AND IS DESIGNED TO MINIMIZE THE LIKELIHOOD OF FURTHER  
9 TRANSMISSION OF DISEASE OR OTHER HARM TO A PERSON SUBJECT TO ISOLATION OR  
10 QUARANTINE. ADEQUATE FOOD, CLOTHING, MEDICATION AND OTHER NECESSITIES,  
11 COMPETENT MEDICAL CARE AND MEANS OF COMMUNICATING WITH THOSE IN AND OUTSIDE  
12 THESE SETTINGS SHALL BE MADE AVAILABLE.

13           D. A PERSON SUBJECT TO ISOLATION OR QUARANTINE SHALL COMPLY WITH THE  
14 DEPARTMENT'S OR LOCAL HEALTH AUTHORITY'S RULES AND ORDERS, SHALL NOT GO  
15 BEYOND THE ISOLATION OR QUARANTINE PREMISES AND SHALL NOT COME IN CONTACT  
16 WITH ANY PERSON NOT SUBJECT TO ISOLATION OR QUARANTINE OTHER THAN A PHYSICIAN  
17 OR OTHER HEALTH CARE PROVIDER, DEPARTMENT OR LOCAL HEALTH AUTHORITY OR PERSON  
18 AUTHORIZED TO ENTER AN ISOLATION OR QUARANTINE PREMISES BY THE DEPARTMENT OR  
19 LOCAL HEALTH AUTHORITY.

20           E. OTHER THAN A PERSON AUTHORIZED BY THE DEPARTMENT OR LOCAL HEALTH  
21 AUTHORITY, A PERSON SHALL NOT ENTER AN ISOLATION OR QUARANTINE PREMISES. IF,  
22 BY REASON OF AN UNAUTHORIZED ENTRY INTO AN ISOLATION OR QUARANTINE PREMISES,  
23 THE PERSON POSES A DANGER TO PUBLIC HEALTH, THE DEPARTMENT, OR LOCAL HEALTH  
24 AUTHORITY MAY PLACE THE PERSON IN ISOLATION OR QUARANTINE PURSUANT TO THIS  
25 SECTION OR SECTION 36-789.

26           F. THE DEPARTMENT, OR LOCAL HEALTH AUTHORITY MUST TERMINATE ISOLATION  
27 OR QUARANTINE OF A PERSON IF IT DETERMINES THAT THE ISOLATION OR QUARANTINE  
28 IS NO LONGER NECESSARY TO PROTECT THE PUBLIC HEALTH.

29           36-789. Due process for isolation and quarantine during a state  
30                                   of emergency or state of war emergency

31           A. THE DEPARTMENT, OR LOCAL HEALTH AUTHORITY MAY ISOLATE OR QUARANTINE  
32 A PERSON OR GROUP OF PERSONS THROUGH A WRITTEN DIRECTIVE WITHOUT FIRST  
33 OBTAINING A WRITTEN ORDER FROM THE COURT IF ANY DELAY IN THE ISOLATION OR  
34 QUARANTINE OF THE PERSON WOULD POSE AN IMMEDIATE AND SERIOUS THREAT TO THE  
35 PUBLIC HEALTH. THE DIRECTIVE SHALL:

36           1. SPECIFY THE IDENTITY OF THE PERSON OR PERSONS SUBJECT TO ISOLATION  
37 OR QUARANTINE, THE PREMISES SUBJECT TO ISOLATION OR QUARANTINE, THE DATE AND  
38 TIME AT WHICH ISOLATION OR QUARANTINE COMMENCES, THE SUSPECTED HIGHLY  
39 CONTAGIOUS AND FATAL DISEASE, IF KNOWN, AND THAT A STATE OF EMERGENCY HAS  
40 BEEN DECLARED BY THE GOVERNOR.

41           2. BE GIVEN TO THE PERSON OR PERSONS TO BE ISOLATED OR QUARANTINED.  
42 IF THE DIRECTIVE APPLIES TO GROUPS OF PERSONS AND IT IS IMPRACTICAL TO  
43 PROVIDE INDIVIDUAL COPIES, IT MAY BE POSTED IN A CONSPICUOUS PLACE IN THE  
44 ISOLATION OR QUARANTINE PREMISES.

1           B. WITHIN TEN DAYS AFTER ISSUING THE WRITTEN DIRECTIVE, OR WHEN ANY  
2 DELAY IN THE ISOLATION OR QUARANTINE OF A PERSON OR GROUP OF PERSONS WILL NOT  
3 POSE AN IMMEDIATE AND SERIOUS THREAT TO THE PUBLIC HEALTH, THE DEPARTMENT OR  
4 LOCAL HEALTH AUTHORITY SHALL FILE A PETITION FOR A COURT ORDER AUTHORIZING  
5 THE INITIAL OR CONTINUED ISOLATION OR QUARANTINE OF A PERSON OR GROUP OF  
6 PERSONS. THE PETITION SHALL SPECIFY THE FOLLOWING:

7           1. THE IDENTITY OF THE PERSON OR GROUP OF PERSONS SUBJECT TO ISOLATION  
8 OR QUARANTINE.

9           2. THE PREMISES SUBJECT TO ISOLATION OR QUARANTINE.

10          3. THE DATE AND TIME AT WHICH ISOLATION OR QUARANTINE COMMENCES.

11          4. THE SUSPECTED CONTAGIOUS DISEASE, IF KNOWN.

12          5. A STATEMENT OF COMPLIANCE WITH THE CONDITIONS AND PRINCIPLES FOR  
13 ISOLATION AND QUARANTINE.

14          6. A STATEMENT OF THE BASIS ON WHICH ISOLATION OR QUARANTINE IS  
15 JUSTIFIED PURSUANT TO THIS ARTICLE.

16           C. THE PETITION MUST BE ACCOMPANIED BY THE SWORN AFFIDAVIT OF THE  
17 DEPARTMENT OR LOCAL HEALTH AUTHORITY ATTESTING TO THE FACTS ASSERTED IN THE  
18 PETITION, TOGETHER WITH ANY FURTHER INFORMATION THAT MAY BE RELEVANT AND  
19 MATERIAL TO THE COURT'S CONSIDERATION.

20           D. NOTICE TO A PERSON OR GROUP OF PERSONS IDENTIFIED IN A PETITION  
21 FILED PURSUANT TO SUBSECTION B OF THIS SECTION MUST BE COMPLETED WITHIN  
22 TWENTY-FOUR HOURS AFTER FILING THE PETITION AND IN ACCORDANCE WITH THE RULES  
23 OF CIVIL PROCEDURE.

24           E. A HEARING MUST BE HELD ON A PETITION FILED PURSUANT TO THIS SECTION  
25 WITHIN FIVE DAYS AFTER FILING OF THE PETITION. IN EXTRAORDINARY  
26 CIRCUMSTANCES AND FOR GOOD CAUSE SHOWN, THE DEPARTMENT OR LOCAL HEALTH  
27 AUTHORITY MAY APPLY TO CONTINUE THE HEARING DATE ON A PETITION FOR NOT MORE  
28 THAN TEN DAYS. IF THE COURT GRANTS A CONTINUANCE IT MUST GIVE DUE REGARD TO  
29 THE RIGHTS OF THE AFFECTED PERSONS, THE PROTECTION OF THE PUBLIC'S HEALTH,  
30 THE SEVERITY OF THE EMERGENCY AND THE AVAILABILITY OF NECESSARY WITNESSES AND  
31 EVIDENCE.

32           F. THE COURT SHALL GRANT THE PETITION IF, BY A PREPONDERANCE OF THE  
33 EVIDENCE, ISOLATION OR QUARANTINE IS SHOWN TO BE REASONABLY NECESSARY TO  
34 PROTECT THE PUBLIC HEALTH.

35           G. A COURT ORDER AUTHORIZING ISOLATION OR QUARANTINE MAY DO SO FOR A  
36 PERIOD NOT TO EXCEED THIRTY DAYS. THE ORDER MUST:

37           1. IDENTIFY THE ISOLATED OR QUARANTINED PERSON OR GROUP OF PERSONS BY  
38 NAME OR SHARED OR SIMILAR CHARACTERISTICS OR CIRCUMSTANCES.

39           2. SPECIFY FACTUAL FINDINGS WARRANTING ISOLATION OR QUARANTINE  
40 PURSUANT TO THIS ARTICLE, INCLUDING ANY CONDITIONS NECESSARY TO ENSURE THAT  
41 ISOLATION OR QUARANTINE IS CARRIED OUT WITHIN THE STATED PURPOSES AND  
42 RESTRICTIONS OF THIS ARTICLE.

43           3. BE SERVED ON AN AFFECTED PERSON OR GROUP OF PERSONS IN ACCORDANCE  
44 WITH THE RULES OF CIVIL PROCEDURE.

1 H. BEFORE AN ISOLATION OR QUARANTINE ORDER EXPIRES, THE DEPARTMENT OR  
2 LOCAL HEALTH AUTHORITY MAY MOVE TO CONTINUE THE ISOLATION OR QUARANTINE FOR  
3 AN ADDITIONAL PERIOD NOT TO EXCEED THIRTY DAYS. THE COURT SHALL GRANT THE  
4 MOTION IF, BY A PREPONDERANCE OF THE EVIDENCE, ISOLATION OR QUARANTINE IS  
5 SHOWN TO BE REASONABLY NECESSARY TO PROTECT THE PUBLIC HEALTH.

6 I. A PERSON OR GROUP OF PERSONS ISOLATED OR QUARANTINED PURSUANT TO  
7 THIS SECTION MAY APPLY TO THE COURT FOR AN ORDER TO SHOW CAUSE WHY THE PERSON  
8 OR GROUP OF PERSONS SHOULD NOT BE RELEASED. THE COURT MUST RULE ON THE  
9 APPLICATION TO SHOW CAUSE WITHIN FORTY-EIGHT HOURS AFTER IT IS FILED. IF THE  
10 COURT GRANTS THE APPLICATION, THE COURT MUST SCHEDULE A HEARING ON THE ORDER  
11 TO SHOW CAUSE WITHIN TWENTY-FOUR HOURS AFTER IT ISSUES THE ORDER TO SHOW  
12 CAUSE. THE ISSUANCE OF AN ORDER TO SHOW CAUSE DOES NOT STAY OR ENJOIN AN  
13 ISOLATION OR QUARANTINE ORDER.

14 J. A PERSON ISOLATED OR QUARANTINED PURSUANT TO THIS SECTION MAY  
15 REQUEST A COURT HEARING REGARDING THE PERSON'S TREATMENT AND THE CONDITIONS  
16 OF THE QUARANTINE OR ISOLATION.

17 K. ON RECEIVING A REQUEST FOR A HEARING PURSUANT TO SUBSECTION J OF  
18 THIS SECTION, THE COURT MUST SET A DATE FOR A HEARING. THE HEARING MUST TAKE  
19 PLACE WITHIN TEN DAYS AFTER THE COURT RECEIVES THE REQUEST. THE REQUEST FOR  
20 A HEARING DOES NOT ALTER THE ORDER OF ISOLATION OR QUARANTINE. IF THE COURT  
21 FINDS THAT THE ISOLATION OR QUARANTINE OF THE PERSON OR GROUP OF PERSONS DOES  
22 NOT COMPLY WITH THE REQUIREMENTS OF THIS SECTION OR SECTION 36-788, THE COURT  
23 MAY PROVIDE REMEDIES APPROPRIATE TO THE CIRCUMSTANCES OF THE STATE OF  
24 EMERGENCY, THE RIGHTS OF THE INDIVIDUAL AND IN KEEPING WITH THE PROVISIONS  
25 OF THIS ARTICLE.

26 L. A RECORD OF THE PROCEEDINGS PURSUANT TO THIS SECTION SHALL BE MADE  
27 AND RETAINED. IF, BECAUSE OF A STATE OF EMERGENCY OR STATE OF WAR EMERGENCY  
28 DECLARED PURSUANT TO SECTION 36-787, PARTIES CANNOT PERSONALLY APPEAR BEFORE  
29 THE COURT, THE PROCEEDINGS MAY BE CONDUCTED BY THE AUTHORIZED REPRESENTATIVES  
30 OF THE PARTIES AND HELD BY ANY MEANS THAT ALLOWS ALL PARTIES TO FULLY  
31 PARTICIPATE.

32 M. THE COURT SHALL APPOINT COUNSEL AT STATE EXPENSE TO REPRESENT A  
33 PERSON OR GROUP OF PERSONS WHO IS SUBJECT TO ISOLATION OR QUARANTINE PURSUANT  
34 TO THIS ARTICLE AND WHO IS NOT OTHERWISE REPRESENTED BY COUNSEL.  
35 REPRESENTATION BY APPOINTED COUNSEL CONTINUES THROUGHOUT THE DURATION OF THE  
36 ISOLATION OR QUARANTINE OF THE PERSON OR GROUP OF PERSONS. THE DEPARTMENT  
37 OR LOCAL HEALTH AUTHORITY MUST PROVIDE ADEQUATE MEANS OF COMMUNICATION  
38 BETWEEN THE ISOLATED OR QUARANTINED PERSONS AND THEIR COUNSEL.

39 N. IN ANY PROCEEDINGS BROUGHT PURSUANT TO THIS SECTION, TO PROMOTE THE  
40 FAIR AND EFFICIENT OPERATION OF JUSTICE AND HAVING GIVEN DUE REGARD TO THE  
41 RIGHTS OF THE AFFECTED PERSONS, THE PROTECTION OF THE PUBLIC'S HEALTH, THE  
42 SEVERITY OF THE EMERGENCY AND THE AVAILABILITY OF NECESSARY WITNESSES AND  
43 EVIDENCE, THE COURT MAY ORDER THE CONSOLIDATION OF INDIVIDUAL CLAIMS INTO  
44 GROUPS OF CLAIMS IF:

1 1. THE NUMBER OF PERSONS INVOLVED OR TO BE AFFECTED IS SO LARGE AS TO  
2 RENDER INDIVIDUAL PARTICIPATION IMPRACTICAL.

3 2. THERE ARE QUESTIONS OF LAW OR FACT COMMON TO THE INDIVIDUAL CLAIMS  
4 OR RIGHTS TO BE DETERMINED.

5 3. THE GROUP CLAIMS OR RIGHTS TO BE DETERMINED ARE TYPICAL OF THE  
6 AFFECTED PERSON'S CLAIMS OR RIGHTS.

7 4. THE ENTIRE GROUP WILL BE ADEQUATELY REPRESENTED IN THE  
8 CONSOLIDATION.

9 36-790. Privileges and immunities

10 A. THE PHYSICIAN PATIENT PRIVILEGE DOES NOT PREVENT A PERSON OR HEALTH  
11 CARE PROVIDER FROM COMPLYING WITH THE DUTY TO REPORT OR PROVIDE PERSONAL  
12 INFORMATION AND MEDICAL INFORMATION TO THE DEPARTMENT OR LOCAL HEALTH  
13 AUTHORITY IN ACCORDANCE WITH THIS ARTICLE. THE DEPARTMENT AND LOCAL HEALTH  
14 AUTHORITIES SHALL MAINTAIN THE CONFIDENTIALITY OF THE MEDICAL INFORMATION AND  
15 PERSONAL IDENTIFIERS RECEIVED.

16 B. A PERSON OR HEALTH CARE PROVIDER UNDERTAKING ANY ACTIVITY REQUIRED  
17 BY THIS ARTICLE, INCLUDING REPORTING, PARTICIPATING IN QUARANTINE OR  
18 ISOLATION PROCEDURES, IS IMMUNE FROM CIVIL OR CRIMINAL LIABILITY IF THE  
19 PERSON OR HEALTH CARE PROVIDER ACTED IN GOOD FAITH. ACTIONS REQUIRED BY THIS  
20 ARTICLE ARE PRESUMED TO BE IN GOOD FAITH.

21 C. THE IMMUNITIES PRESCRIBED IN SECTION 26-314 ARE APPLICABLE TO  
22 SECTIONS 36-787, 36-788 AND 36-789.

23 Sec. 4. Exemption from rule making

24 A. For the purposes of this act, the department of health services is  
25 exempt from the rule making requirements of title 41, chapter 6, Arizona  
26 Revised Statutes.

27 B. The department shall hold at least one public hearing before it  
28 adopts a rule pursuant to this act.

APPROVED BY THE GOVERNOR MAY 23, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 24, 2002.



Passed the House April 9, 2002,

by the following vote: 45 Ayes,

9 Nays, 6 Not Voting  
Article IX, Section 22.

Jake Flake  
Speaker of the House  
Pro Tempore

Norman L. Moore  
Chief Clerk of the House

Passed the Senate April 25, 2002,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Randall Ainsworth  
President of the Senate

Charmian Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

H.B. 2044

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House May 16, 2002,

by the following vote: 45 Ayes,

10 Nays, 5 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate May 16, 2002

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 17 day of May, 2002

at 8:45 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 23 day of

May, 2002,

at 11:30 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 24 day of May, 2002

at 11:46 o'clock A. M.

[Signature]  
Secretary of State

H.B. 2044